



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICIES AND PROCEDURES**

Policy No.: DOC 1.3.31	Subject: <b>LABOR RELATIONS ADMINISTRATION</b>
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 3
Section 3: Personnel	Revision Date:
Signature: /s/ Bill Slaughter, Director	Effective Date: March 15, 2005

**I. POLICY:**

It is the policy of the Department of Corrections to devise and administer a carefully planned and consistent approach to labor relations.

**II. IMPLEMENTATION:**

This policy will be implemented on effective date.

**III. AUTHORITY:**

*2-15-112, MCA  
53-1-203, MCA*

*Duties and Powers of Department Heads  
Powers and Duties of Department of Corrections*

**IV. DEFINITIONS:**

Chief Negotiator – The Governor's designated collective bargaining representative is the Bureau Chief, Labor and Employee Relations, State Personnel Division, Department of Administration, or designee, as established by Executive Order 1-93 or its successor(s).

Director's Designee/Agency Labor Relations Coordinator – For purposes of Department of Corrections' labor relations issues, the Bureau Chief for Human Resources, Centralized Services Division, Department of Corrections, will serve as primary contact and labor issues coordinator for the Department of Corrections.

Designee – The position responsible for a specific action or program will also apply to that person's designee.

**V. PROCEDURAL GUIDELINES:**

**A. Agency Spokesperson for Labor Relations**

**1. Delegation of Authority**

It is the responsibility of the director of the Department of Corrections to ensure that labor relations' affairs of the Department are consistent with the goals and directives of the governor of the state of Montana as articulated by the governor's chief negotiator, as well as in alignment with the mission and vision of the Department of Corrections. The director designates the bureau chief for Human Resources to be his designated agency labor relations coordinator responsible for the day to day affairs of the Department as they relate to contract negotiations, grievance administration, formal and informal communications with the union's

Policy No.: DOC 1.3.31	Chapter 1: Administration and Management	Page 2 of 3
Subject: <b>LABOR RELATIONS ADMINISTRATION</b>		

representative(s), and with bargaining units that represent employees of the Department and with the chief negotiator.

2. Manner of Establishing Labor Relations Strategy and Parameters

Prior to the beginning of each bargaining cycle, the director of the Department of Corrections and the management team will meet with the governor's bargaining designee and the Human Resources bureau chief to design the agency bargaining parameters and to give direction to those who will speak for the Department in all bargaining sessions. Those parameters should be in most parts broad and general enough to allow the agency bargaining team(s) to bargain in good faith. Through the course of negotiations, if the need to significantly modify or expand those parameters or change the strategy arises, the coordinator(s) will seek further direction from the director. During the course of any labor negotiations, the agency coordinator will present progress and issue reports to the director as requested and to the management team at each management team meeting.

**B. Grievance Processing**

Those responsible to respond at the initial steps of any contractual grievance procedure will have full authority to resolve contract grievances. They are encouraged to do so provided only that they confer first with the agency coordinator prior to reaching any agreement which may change the way a collective bargaining agreement has been interpreted or administered. A grievance that reaches the final step prior to arbitration must be reviewed by the agency coordinator for possible resolution or to draft the final response for the director's signature. Any grievance, which has been subject to a request for arbitration, may only be settled subsequent to discussion and agreement between the chief negotiator, the agency coordinator, and the division administrator. Any grievance settlement agreement must be signed by the agency coordinator to be valid and enforceable.

**C. Tentative Agreements and Ratification of Tentative Agreements**

Only the chief negotiator and the agency coordinator have the authority to reach tentative agreements on behalf of the Department of Corrections. Neither party will initial such documents without the agreement of the division administrator or warden or superintendent for the division or facility that is affected by that bargaining agreement.

**D. Labor Management Committees**

The Department is committed to utilization of any tools which will reduce labor management strife and increase labor management cooperation. Labor management committees should be utilized for the purposes of conflict avoidance and resolution in the work unit/facility/division before the conflicts become issues for negotiation or the grievance procedure. Labor management committees may not engage in contract negotiation nor attempt to resolve individual grievances.

Policy No.: DOC 1.3.31	Chapter 1: Administration and Management	Page 3 of 3
Subject: <b>LABOR RELATIONS ADMINISTRATION</b>		

#### **E. Communications Protocols**

Managers and supervisors at any level of the Department are encouraged to maintain open lines of communication with both union professional representatives and agency employees in their capacity as stewards, bargaining unit officers or grievance representatives. In doing so they need to be mindful of their restrictions related to bargaining and grievance resolution found in items C and D.

#### **VI. CLOSING:**

Provisions of this policy not required by statute shall be followed unless the provisions conflict with negotiated labor contracts that shall take precedence to the extent applicable.

Questions concerning this policy should be directed to the employee's immediate supervisor or the Department of Correction's Human Resources staff.